

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13 are pending in the present application. Claims 1, 7, 9 and 13 are amended. Support for the changes to the claims finds support at least at page 15, line 5 through page 16, line 5 of the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-6 and 13 stand rejected under 35 U.S.C. § 102 as being unpatentable over Takahisa et al. (U.S. Patent 5,946,605, hereinafter Takahisa); and Claims 7 and 8 stand rejected under 35 U.S.C. § 102 as being unpatentable over Perkins (Mobile IP); and Claims 9-12 stand allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter in Claims 9-12.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1-6 and 13 under 35 U.S.C. § 102 as being unpatentable over Takahisa. The Official Action contends that Takahisa describes all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

Applicants' Claim 1 recites, *inter alia*, a packet communication apparatus for transmitting a packet to a mobile terminal through a packet communication network that includes a plurality of routers inclusive of communication routers configured to communicate with mobile terminals through radio, comprising:

a destination information unit configured to include, in a packet, destination information inclusive of a description of a state of a mobile terminal that is a state of movement or a state of environment in which the mobile terminal is placed;

a transmission unit configured to transmit the packet to one or more mobile terminals having a state that matches the description of a state of a mobile terminal, said destination information indicating a destination by the description of a state

of a mobile terminal without identifying any address. (emphasis added)

Takahisa describes a system for broadcasting information to a plurality of tuners based on a tuned frequency of interest. For example, as shown in Figures 8a-8c, transmitters (822) may detect deployment of an airbag such as during a traffic accident. Information is conveyed via the transmitter noting that the airbag has been deployed and including a global position of the vehicle (808). A control center (690) identifies the position of the vehicle relative to a locality, and summons local medical and/or other support services to the disabled vehicle (808).¹ Moreover, other vehicles in the vicinity of the disabled vehicle (808) receive messages at corresponding receivers (822) such that any traffic difficulties caused by the disabled vehicle (808) may be avoided.²

Conversely, in an exemplary embodiment of the Applicants' claimed advancements, a packet communication apparatus is provided for transmitting a packet to a mobile terminal through a packet communication network. The packet communication network includes a plurality of routers inclusive of communication routers configured to communicate with mobile terminals through radio. A destination information unit is configured **to include, in a packet,** destination information inclusive of a description of a state of a mobile terminal that is a state of movement or a state of environment in which the mobile terminal is placed. A transmission unit is provided to transmit the packet to one or more mobile terminals having a state that **matches the description of a state of a mobile terminal**. The destination information indicates a destination by the description of a state of a mobile terminal **without identifying any address**.

The Official Action takes the position that the "disabled vehicle" of Takahisa corresponds to the Applicants' claimed description of a state of a mobile terminal.³ The

¹ See Takahisa at column 12, lines 5-20.

² See Takahisa at column 12, lines 42-46.

³ See the Official Action of March 21, 2007 at paragraph 2.

Official Action then goes on to reason that the broadcast of information of the disabled vehicle to other receivers, for the purpose of avoiding traffic backups, corresponds to the remainder of the Applicants' claims. However, Applicants note that the transmission unit as claimed requires that a transmission is made to a mobile terminal having a state that matches the description of a state of a mobile terminal. In other words, for the reasoning outlined in the Official Action to hold, the Takahisa system must identify a disabled vehicle and then transmit this information to other disabled vehicles (i.e., matches); of course, this is not how the Takahisa system works.

Moreover, Applicants note that the current claims require that the description of a state of a mobile terminal be included in a packet. Takahisa merely describes that information is provided over a radio frequency and that receivers which are able to tune to a specific frequency are able to get that information. There is absolutely no description or suggestion in the Takahisa reference of providing the level of granularity recited in the Applicants' claims. Simply stated, as tuners are able to tune to a frequency for specific information, there is no need to include information in specific packets. Indeed, it does not appear that the Takahisa system is even a packet based system.⁴

Accordingly, Applicants respectfully request that the rejection of Claims 1-6 and 13 under 35 U.S.C. § 102 be withdrawn.

The Official Action has rejected Claims 7 and 8 under 35 U.S.C. § 102 as being unpatentable over Perkins. The Official Action contends that Perkins describes all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

Perkins describes a Mobile IP standard in which a packet header format is provided to account for a care-of-address which is encapsulated in an original header for forwarding the packet to a static destination IP address of a mobile terminal. The care-of-address is

⁴ See Takahisa at column 6, lines 51-54.

negotiated between a mobility agent of a mobile node and a foreign agent of a local routing device. In this manner, the local routing device communicates with the routing device of the home network of the mobile device to provide a forwarding address for packets directed to the mobile device.⁵

As made clear in the Applicants' amended claims, a destination is identified without identifying any address.

When using a "care-of-address", normal IP forwarding is utilized. The only difference is that the care-of-address is encapsulated such that the packet will be delivered to the care-of location prior to normal IP forwarding. Of course, normal IP forwarding involves routing a packet based upon the source and destination address included in the packet header.⁶ Therefore, the care-of-address will be used before the destination address, either way an address will be utilized.

Accordingly, Applicants respectfully request that the rejection of Claims 7 and 8 under 35 U.S.C. § 102 be withdrawn.

⁵ Perkins at page 86.

⁶ See Perkins at page 86.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-13, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

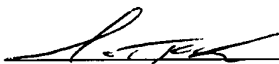
Respectfully submitted,

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